# Karner Blue HCP 6-month Review Meeting April 11, 2006 10:00 am – 4:00 pm

## **Minutes**

Attending: Louise Clemency (USFWS), Cathy Carnes (USFWS), Matt Krumenauer (ATC - IOC Chair), Jimmy Christenson (WDNR), Bob Hess (WDNR), Crystal Fankhauser (WDNR), Joe Henry (WDNR), Rebecca Schroeder (WDNR), Dave Lentz (WDNR)

## 1. HCP 5-Point Plan: (brief) Introduction

- What lead us to this proposal? (DNR Needs)
   Dave led the discussion by stating that the DNR has identified a list of needs, one of which is incidental take authority, with the end need being to continue a successful HCP partnership.
- What do we know now that we didn't know earlier that directs or justifies changes in the HCP?

Dave identified that there are limitations to the HCP that make it difficult for partners to meet all of the outlined commitments. If FWS would be willing to ease up on regulations that serve no conservation value and provide more flexibility, then the partners would be able to free up resources to help the DNR demonstrate recovery of KBB in Wisconsin. Louise stated that the time is right for this because things are happening in D.C. and that Wisconsin has a unique opportunity because we have evidence that demonstrates what we are doing is working.

Dave commented that when TESRA was in committee that Representative Tammy Baldwin had expressed interest in the WI HCP. Her staff asked how the DNR and the HCP Partners envisioned the ESA (under TESRA) being enhanced to help partnerships and programs like ours. Dave's comments were: (1) more tools and training for the Service besides regulatory ones; tools to help the Service work with willing collaborators; current tools are designed for regulating; (2) Stronger consequences for violators and more funding for LE to be a more effective incentive to turn "bad players" into willing collaborators; (3) more funding, authority and responsibility for the states to work on conservation (in contrast to regulation). Jimmy commented that partnership turnover is a big hurdle and that streamlining protocols are important to helping make the transitions easier.

#### **Point. 1** FOCUS ON RECOVERY

Presented <u>KBB Predictive Model</u> & associated MAPS: Discussed observations. Jimmy talked about how the high potential range was originally developed. He and Cathy Bleser met and created the boundaries largely from soils data, and the (very) limited information they had on Kbb distribution. Once the high potential range was delineated, the SPA's and ACE's were drawn based on county maps from known occurrences and from Cathy's

personal observations. The main driving force behind delineating these areas stemmed from a risk analysis (required for the HCP development). A communication plan was also developed which used the SPAs & ACEs to focus outreach and education in areas of significant populations and potential recovery. The take home message is that these boundaries were drawn from a snapshot in time with general, limited knowledge. Dave stated that what we have learned from Ted's model indicates that most of the land outside of the documented range (80%) has a low probability for Kbb's and that we should redefine the documented range line. Quincy Bluff is an example of a property that is out of the documented range which does not have Kbb's. In a conversation with Dave, Steve Richter commented that maybe TNC will reconsider including Quincy in recovery and that they would assist in some other way. The closest Kbbs to Quincy on record were off Co. F. This is an older record which has not been reconfirmed. Louise asked what the status of Kbb in the context of management? Cathy stated that at the time of listing there were approximately 30 known KBB sites and now we have more than 500 documented sites. KBB presence/absence status of the older records not recently been reconfirmed. Dave stated that Karners are being found in places where we didn't know they existed but at the same time management activities are helping maintain known populations. Jimmy commented that the disturbance that occurs on the landscape is not a result of managing for Kbb's but is a direct result of the kind or work that partners are doing. Jimmy said the county and state forests are "certified;" they receive points for using ecosystem approach; current forestry practices are consistent with maintaining Kbbs – have to cut.

Dave commented that areas that show higher probability for Kbbs (oranges and reds) are supported by more KBB P/A survey data. However, there are many fewer KBB presence/absence surveys in the lower probability classes (greens) because these classes are less likely to support lupine and if there was no lupine found in the level 1 survey, then a Kbb presence/absence survey would not have been done. Many of these level 1 surveys that were negative for lupine still exist in partners' files, but were never reported to the DNR and therefore not included in the model. Louise commented that if FWS were to agree to less (regulatory) work activities in the lower probability areas then a layer showing the lack of lupine in those lower probability areas would be helpful. This would demonstrate that a significant amount of lupine absence surveys support the model. This would be helpful to show to the public too. Matt stated and Jimmy reinforced that the partnership needs to see some action this year (field season) by the service.

Action: DNR to work with Ted Sickley to develop a layer or somehow include additional lupine/Kbb absence data to augment or visually support the low probability areas of the model. Note: With the recent departure of the HCP Data Mgr. this may not be possible for monitoring relief in the 2006 field season. Ted is also looking at anomaly of why there are no KBBs in the red (high probability) area in NW WI. Dave intends to see if Ted can add an

evapotranspiration/precipitation layer to model. In a recent MIT meeting it was agreed that it would be helpful to add the KBB Recovery Plan Recovery Units to the map.

Rebecca asked what incentive there is to the partnership and DNR to help demonstrate recovery. What benefits will the partners get when Kbb is demonstrated to be recovered? Will there be greater decrease in the amount of regulation on partnership? Cathy stated that the HCP and the ITP are the tools that give the FWS regulatory flexibility and assurances to partners relative to their permit commitments. Generally, as the DNR and federal recovery properties proceed to demonstrate progress towards recovery, regulation outside recovery areas could be relaxed. A key goal to strive for to obtain significant regulatory relief outside recovery areas, would be to stabilize Kbb populations at the recovery sites in Wisconsin for 5 years (i.e. meet the reclassification goals as stated in the KBB Recovery Plan). Dave stated that the means of demonstrating recovery is still something the DNR and FWS are not in agreement on. Louise clarified that there could not be a threatened status for just WI. But, demonstration of the stabilization/recovery in WI could mean a modification in the HCP/ITP to provide some relief to the Partnership.

 Discussed <u>monitoring and management</u> changes to create a shift of resources toward recovery. Mostly related to location of areas of significance to recovery and KBB.

Dave asked what we need to do to eliminate pre-management surveys in the low probability (green) areas this field season. Cathy suggested that we draft an amendment to the HCP incorporating information from Ted's map to redraw the documented and high probability range to reflect areas of high probability. Louise asked what responsibilities would partners have if they owned land outside of the high probability range? Dave said that it would be the same as what it is currently happening if KBB are found in the high potential range. Jimmy commented that most partners, regardless of where their land occurs would still be interested in participating in conservation and recovery efforts.

Cathy asked if we are suggesting that landowners outside of the high probability range are free from regulation? Dave said that partners are regulated no matter what. What a partner has to do to be in compliance with regulation may vary depending on where the land is relationship to recovery areas. Joe stated that we also need to think about where we draw the line on the probability model. What is our lowest accepted (probability) level of where we will focus (regulatory efforts)? Dave made the distinction that regulatory relief doesn't mean a decrease in conservation efforts. KBB are abundant in WI because of what partners have done on the working landscape. This won't change; only less regulatory control and oversight. Dave, SPLO's (small private land owners, i.e. the voluntary category) were excluded from

regulatory compliance/oversight as a result of the risk analysis. If a risk analysis were done today based on the new information from the model and what we have learned of the populations and distribution relative to the HPR and documented range, much of the land away from the recovery areas would likely also be excluded from regulatory oversight.

O Discussed whether the <u>High Potential Range</u> (HPR) was still needed and adjusting the location of the <u>Documented Range</u> (DR) w/ an appropriate buffer.

*See comments above*, Dave reiterated that we would like to discontinue using the artificial and limited High Potential Range line and substitute high probability areas inclusive of the recovery areas and all known KBB populations; then rename this area the <u>High Probability Range</u> (H-Prob-R).

- Discussed a four-tiered approach to realign <u>participation strategy</u> to reflect increased focus and different approaches within and outside of recovery areas. The major change would be the addition of a "conservation partner". These would be full partners with only lands outside the recovery areas. They would continue to do their land management with consideration of the KBB, but would have less regulatory oversight. Continued compliance to conservation measures would be observed and documented through a continued implementation monitoring program (compliance audits) geared up to focus on land activities and education and training.
- Discussed how <u>Outreach & Education</u> including <u>Landowner Contact</u> and <u>new partner recruitment</u> efforts can be refocused. O&E has not been focused on SPAs and ACEs. With a goal of recovery, we will be more compelled to focus O&E in recovery areas. Mike Engel has commented to Dave that reading the 5-point plan makes sense to him; he has begun to shift emphasis in his work toward recovery areas. Mike also reported to Dave that he feels the ACE/SPA boundaries are not biological or scientific and should be reconsidered.

## **Point 2** STREAMLINE PROCESSES

Discuss recommended improvements in following areas:

<u>Amendment Process</u> (ITP, HCP/Appendix A, IA, SHCA). Discussed
whether amendment was needed for such activities as including cable plowing
in HCP. Jimmy thought the IA allowed FWS/DNR flexibility to amend or
create new guidelines via mutual agreement without the need for amending
HCP.

<u>Action:</u> Jimmy and Cathy will research this issue. (Subsequently found that guidelines could be developed for new activities without amending HCP)

• <u>SHCAs</u> Cathy commented that SCHA's review process by the Service could be streamlined if partners articulate well 1) what the activities are for which take of the KBB is being authorized, and 2) what the conservation measure/protocols are for those activities.

Jimmy commented that we should provide ourselves some flexibility (whether in the IA or HCP) that allows for dealing with circumstances that aren't foreseen.

• Streamline <u>Inclusion Processes</u> (CI Approval Process) – too costly; risk is low (this is a priority issue). What is the cause(s) of the problem? What can we do to make significant improvements? What do we do in the interim? Cathy and Louise both agree that standardized templates are an acceptable approach to reduce confusion and speed up processes. Louise also commented that it would be helpful to define what substantive changes (in SHCA) are such that the service knows what does/doesn't need review.

Standardization of the conservation measures will be a significant help in streamlining issuances of CI's for new partners. Currently conservation measures/guidelines for various take activities are scattered throughout the HCP making easy referencing of them difficult – also some conservation guidelines have evolved and we have expanded versions of them.

• <u>Changed Circumstances</u> Assessment & Reporting – discontinue, at least outside recovery areas.

(Issue paper handed out. No detailed discussion)

## **Annual Reporting:**

- **Streamline Reporting Processes** too costly; simplify and automate.
  - o Discuss annual vs. a more long term reporting period?
  - o Massive amounts of documentation are at the root of the problem (not the report itself). Discuss abbreviating reporting by limiting geographic area to report on.
  - o Alternatively, discuss relevance of some required reporting items.
- Discuss pros and cons of reporting beneficial (short term) <u>incidental take</u> activities.
  - (Issue paper handed out. No detailed discussion)
- Discuss <u>Flight Data</u> reporting and <u>KBB Hotline</u> purpose and objectives. (Issue paper handed out. No detailed discussion)
- <u>Temporary Take is short-term not permanent</u>. (Ref. ITP Condition Q.) Short-term take (e.g. associated with burning, mowing, and herbicide use) does not require compensatory mitigation (remediation) in the same sense as permanent take, use HCP conservation measures/guidelines when conducting short-term take activities.. Therefore pre-approval is not needed as with permanent take.
  - (This was in fact agreed to by Cathy and Dave in a discussion prior to the meeting and was not discussed at the meeting. Conservation measures are close to complete.)
- <u>Safe Harbor</u>: Permanent (incidental) take is not prohibited for those in the voluntary category. Is amending the HCP to include safe harbor (SH) provisions for those in the voluntary group an issue as long as the permit

extension continues to include the voluntary group? Is it an issue for HCP partners?

Cathy reviewed the FWS's recommendations re: modified Safe Harbor approaches for the voluntary group and for existing HCP partners (refer to handout). 1) For the voluntary group, extending the ITP by 30-50 years would extend coverage to that group, likely to delisting of the Kbb; 2) For HCP partners, adding a SH section to HCP that describes components of SH program and what partners need to do to obtain ITP coverage would allow partners doing proactive conservation to convert the conserved land to other uses once their conservation commitments were met. Louise stated that a necessary measure is to report how many acres that would be included in the Safe Harbor program so that when the acres are taken out, then a record of those acres is on file and verifiable. Cathy asked if there were any partners that were interested in a 30-50 extension. Dave said that the DNR is currently not considering more that a 10-year extension. Dave and Jimmy both commented that the only extension partners were interested in is for 10 years at a time and only if we take the approach of recovery.

Dave commented that the safe harbor in the HCP does not need to be amended for voluntary landowners, e.g. in Mike Engel's program. These landowners are covered for incidental take until the ITP for the HCP expires As long as HCP partners keep extending the HCP and ITP, Mike's clients will be happy. Cathy commented that including a SH approach for the HCP partners proactive conservation efforts could be a benefit for them.

• Status of amendment to HCP to include modified safe harbor concept for pro-active conservation (conservation above and beyond HCP or SHCA commitments) being done by existing HCP partners. This is not as urgent as other items, but it was agreed to keep on our list of things to do.

## **Point 3** IMPROVE GUIDELINES AND PROTOCOLS

Dave touched on the prescribed burning protocol as well as others and commented that we have drafts ready but will present them to Cathy and FWS at another meeting. Improving standardized, stand-alone guidelines and protocols will help orientation and training of new partners and new staff of existing partners over time. It will also simplify the inclusion process as discussed earlier.

#### **Point 4** RECOVER KBB IN WI

What are the issues we need to work on? Cathy: Analyze existing KBB HCP data from recovery properties to determine KBB/lupine locations, and KBB population numbers (if possible). Continue to do baseline surveys or trend monitoring on state properties to track populations. Dave commented that we need to understand and agree on the measure of recovery. The DNR has gone on record as disagreeing with the draft recovery plan goals for WI. The DNR does not feel that these points of disagreement have been satisfied. Dave suggested to Louise that there is a formal letter (DNR's comments on the draft recovery plan) that she could review that explains DNR's position. Also, the partners submitted similar comments at the time of the public review of the FRP.

What are the steps to organize to work on recovery?
 Suggestion by Cathy Carnes: Start a table that identifies each issue and known tasks, and then we can start working on filling in the steps, timelines and help needed to address them. Dave displayed the table. Steps will need to be developed. It will be most helpful to wait to get a recovery coordinator on board.

Rebecca thought that a recovery coordinator would be hired by mid-summer. Cathy thought that a Wisconsin KBB Working Group should be pulled together that would include Cathy, and key HCP partners interested in helping with recovery (e.g., TNC, Jackson and Eau Claire Counties? WDNR managers/biologists from state recovery properties, Mike Engel, KBB expert – Scott Swengel? Others?). The Coordinator and working group would identify, coordinate, and work on Kbb recovery efforts in Wisconsin...

Cathy also mentioned that a <u>KBB Monitoring Workshop</u> was being planned to be given by USGS at the Indiana Dunes Environmental Learning Center this September. She will keep Dave and Rebecca informed of the details – this would be a good workshop for the new KBB coordinator to attend.

Action: Identify and agree on priority recovery actions. Cathy suggested looking at the recovery tasks for WI in the KBB Recovery Plan as a starting point.

Action: Cathy will keep Rebecca and Dave informed about KBB Monitoring Workshop

### **Point 5** DEVELOP ITP EXTENSION

• To many partners, renewing the ITP will depend on what happens in the next 31/2 years in terms of reasonable regulatory relief and then what the approach will be in the second 10 years.

## 2. Update on DNR staff changes and GIS needs fulfillment.

Crystal Fankhauser, HCP Data Manager is leaving for a new position. Dave and Darrell Zastrow have begun discussion with UW Madison to provide GIS capacity for recovery and HCP efforts.

## 3. Transfers & Assignments amendment

Discuss amending SHCA template to clarify difference.

Dave and Jimmy have been working on new language to help clarify. *Action: Dave will provide SHCA template language to Cathy for comment.* 

## 4. Section 6 Grant Issues & Questions

 Non-Traditional S6 HCP Land Acquisition Grants. Recipients of such grants (or subsequent landowners) agree to conserve land bought w/ grant funds for KBB recovery in *perpetuity*. Is the Jackson County land purchased with grant funds conserved for KBBs in perpetuity?

Action Item: Dave will research commitments made by Jackson County and/or DNR related to the HCP land acquisition funds received by the county.

• Non-Traditional S6 Recovery Land Acquisition Grants – lands (or portion of them) purchased with these funds cannot be used for HCP partner mitigation sites. Lands must be used for recovery purposes and protected in perpetuity.

### 5. Meadow Valley (MV) State WA:

Opportunity exists for MV staff to receive help from Necedah NWR with KBB recovery work at MV. Necedah NWR staff is willing to help with prescribed burns. Necedah NWR is concerned that monies realized from logging activities at MV are not coming back to MV for KBB management work per an existing agreement. MV provides annual reports to Necedah on their work activities. Dave commented that he feels the HCP is being caught in the middle of this issue every couple of years. This relationship and its problems don't belong to the HCP Coordinator. It is between the properties and the refuge and DNR's Wildlife Management Program.

## 6. WORKLOAD ISSUES (Cathy & Dave) (status, discussion, priority)

There was no discussion. Cathy just commented that the topic and list were provided to keep a running list of tasks for Dave and her, and to keep Louise appraised of the standing backlog of work.

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